REMARKS/ARGUMENTS

Claims Status

Claims 1 and 3-15 are pending. Claim 1 is currently amended to reflect the modifier as described in paragraphs [0004] and [0020] of the specification. Claim 2 was previously canceled without prejudice. Claims 3 and 4 are withdrawn pursuant to a previous Restriction Requirement. Claims 5-15 remain as previously presented. No new matter is believed to have been entered.

§112, 1st paragraph, Rejection

Claims 1, 2 and 5-15 are rejected as lacking support for a modifier, which *after irradiation*, still has an average particle size of 20 μm or more. As independent claim 1 now recites that "an average particle size of said particles, *prior to irradiation*, is 20 μm or more" (emphasis added), Applicants submit that this rejection has been overcome. As such, Applicants request withdrawal of this new matter rejection.

§112, 2nd paragraph, Rejection

Claims 1, 2 and 5-15 are rejected as indefinite because "it remains unclear as to whether applicants are claiming an irradiated, versus non-irradiated, modifier having an average particle size of 20 μm or more." As independent claim 1 now recites that "an average particle size of said particles, *prior to irradiation*, is 20 μm or more" (emphasis added), Applicants submit that this rejection has been overcome. As such, Applicants request withdrawal of this new matter rejection.

§102(b)/§103(a) Rejection

Claims 1, 2 and 5-15 are rejected as anticipated by or, in the alternative, obvious in view of Endo (US 6,051,650). Applicants respectfully traverse this rejection.

The claimed invention relates to a modifier for a resin wherein the modifier, before being irradiated by the ultrasonic wave, is obtained by (i) adding one or more copolymerizable vinyl-based monomers to a rubber latex comprising an acrylic rubber, (ii) graft-polymerizing the copolymerizable vinyl-based monomers and the rubber polymer latex to obtain a graft copolymer having an average particle size of 600 to 900 nm, and (iii) spray-drying the graft copolymer (see independent claim 1).

As noted above, the claimed invention produces a powder of the graft copolymer by *spray drying* a latex of the graft copolymer obtained by emulsion polymerization. Paragraph [0018] of the specification discusses this spray drying and explains that dispersibility of the powder particles is improved and the particle size distribution is narrowed. More specifically, Applicants submit that the claimed invention provides a modifier which has enhanced dispersibility between the primary and secondary particles of the powder by processing the latex by spray drying, especially when the primary particles have an average particle size of 600 to 900 nm (see independent claim 1).

Contrary to the claimed invention, Endo discloses a powder of a graft polymer obtained by *solidifying* a latex of the graft copolymer obtained by emulsion polymerization with the use of aluminum sulfate (see e.g., col. 6, line 44+, and col. 20, lines 28-35).

Applicants submit that when the latex of a graft copolymer is solidified and powdered, the latex of the graft copolymer is heated during the solidifying process and the primary particles of the powder become tightly bonded. Thus, dispersibility between the primary and secondary particles of a powder obtained by solidification is inferior to that obtained by the claimed spray drying process.

A powder obtained by such a solidification process like that of Endo corresponds to Preparation Example 4 (i.e., "IM-4") of the specification of the present invention (see [0029], [0032] and [0033]). As can be seen in Table 2 of the specification (page 33, [0033]), Comparative Example 2 utilizing the IM-4 powder obtained by a solidification process reports inferior impact strength (i.e., 14 J/m instead of 19-34 J/m) and inferior dispersibility (D=coagulation of rubber observed instead of B=no coagulation of rubber observed).

Accordingly, in light of *at least* (a) Endo not disclosing or suggesting obtaining the powder of the graft copolymer by spray drying a latex of the graft copolymer like that claimed, and (b) Endo not disclosing or suggesting enhanced dispersibility between the primary and secondary particles of the powder obtained by spray drying the latex of the graft copolymer like that obtained by the claimed invention, Applicants submit that Endo neither anticipates nor renders obvious the claimed invention. As such, Applicants request withdrawal of the §102(b)/§103(a) rejection over Endo.

Conclusion

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

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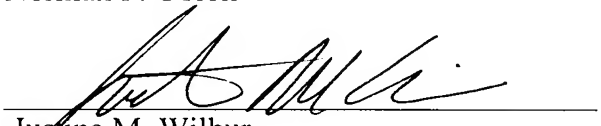

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